

ASSEMBLY BILL

No. 466

Introduced by Assembly Member Coto

February 24, 2009

An act to amend Sections 13.2 and 20 of, to add Sections 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, and 8 to, and to repeal and add Sections 7, 7.1, and 7.3 of, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as introduced, Coto. Santa Clara Valley Water District.

(1) The Santa Clara Valley Water District Act establishes the Santa Clara Valley Water District and specifies its powers and purposes relating to water supply and flood management. The act requires the board of the district, until January 1, 2010, to consist of 2 directors who are appointed and 5 directors who are elected in accordance with specified procedures. The act requires the board of directors, on and after January 1, 2010, to consist of 5 directors who are elected in accordance with specified procedures.

This bill would repeal certain provisions of the act relating to the board of the district. The bill would revise the composition of the board of the district by requiring the board to transition to an all-elected board that consists, on and after noon on January 3, 2011, of 7 directors who are elected pursuant to specified requirements. The board also would be required to adopt a resolution establishing the boundaries of the 7 districts. By imposing requirements on the district, the bill would impose a state-mandated local program.

(2) The act requires the board of the district, on or before June 15 of each year, to meet at the time and place designated by published notice, at which meeting any member of the public may appear to be heard regarding any item in the proposed budget.

This bill would require the board to review its financial reserves at this meeting, and to provide an opportunity for the public to make comments on the budget before acting on the budget. The bill would require the directors who serve on the board to comply with various requirements relating to the activities of district-related lobbyists, contract bidding, severance pay, travel reimbursement, and other matters. The bill would require the district to make available to the public specified reports prepared by district staff for the board. These requirements on the district would impose a state-mandated local program.

(3) The act authorizes the district to impose special taxes at minimum rates according to land use category and size. The act authorizes the district to provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age and meet a specified total household income limit.

This bill would extend the exemption to an otherwise qualified taxpayer who qualifies as totally disabled under the Social Security Act.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7 of the Santa Clara Valley Water District
- 2 Act (Chapter 1405 of the Statutes of 1951), as added by Section
- 3 3 of Chapter 279 of the Statutes of 2006, is repealed.
- 4 ~~Sec. 7. (a) (1) The board of directors shall consist of five~~
- 5 ~~members, one elected from each of the five county supervisorial~~
- 6 ~~districts. The term of office of directors shall be four years. The~~
- 7 ~~directors shall hold office until their successors are elected or~~
- 8 ~~appointed and qualified.~~

1 ~~(2) In this act, unless the context requires otherwise, “board”~~
2 ~~and “board of directors” mean the board of directors of the district.~~

3 ~~(b) This section shall become operative on January 1, 2010.~~

4 SEC. 2. Section 7 is added to the Santa Clara Valley Water
5 District Act (Chapter 1405 of the Statutes of 1951), to read:

6 Sec. 7. Except as otherwise provided in this act, the individuals
7 who serve on the board of the Santa Clara Valley Water District
8 on December 31, 2008, in accordance with the Santa Clara Valley
9 Water District Act (Chapter 1405 of the Statutes of 1951, as
10 amended) shall continue to serve on the board of the district
11 established by this act.

12 SEC. 3. Section 7.1 of the Santa Clara Valley Water District
13 Act (Chapter 1405 of the Statutes of 1951), as amended by Section
14 17 of Chapter 906 of the Statutes of 1993, is repealed.

15 ~~Sec. 7.1. Each of the five elected members shall be nominated~~
16 ~~and elected by the electors of the supervisorial district which he~~
17 ~~represents at the times and in the manner provided by general law~~
18 ~~for the election of county supervisors. Elected directors from the~~
19 ~~second, third and fifth supervisorial districts shall be first elected~~
20 ~~at the general election held in 1968. Elected directors from the~~
21 ~~first and fourth districts shall be first elected at the general election~~
22 ~~held in 1970. At each general election thereafter, either three or~~
23 ~~two directors, as the case may be, shall be elected. The term of~~
24 ~~office shall begin at noon on the first Monday in January following~~
25 ~~the election period. In order to be eligible for election or~~
26 ~~appointment each director must be a qualified elector in the district~~
27 ~~he represents, and must continue to reside therein during his~~
28 ~~incumbency in office provided however no change in boundaries~~
29 ~~of a supervisorial district shall affect the term of office of any~~
30 ~~director. Every member of the board, whether elected or appointed,~~
31 ~~may be recalled by the voters in accordance with the recall~~
32 ~~provisions of Chapter 2 (commencing with Section 27200) of~~
33 ~~Division 14 of the Elections Code applicable to officers of counties.~~

34 SEC. 4. Section 7.1 is added to the Santa Clara Valley Water
35 District Act (Chapter 1405 of the Statutes of 1951), to read:

36 Sec. 7.1. Until noon on January 3, 2011, the board shall consist
37 of the following directors:

38 (a) Two appointed directors who serve on the board of the Santa
39 Clara Valley Water District on December 31, 2008, pursuant to
40 Section 7.2 of the Santa Clara Valley Water District Act (Chapter

1 1405 of the Statutes of 1951), as amended by Section 4 of Chapter
2 279 of the Statutes of 2006).

3 (b) Five directors who are elected pursuant to Section 7.1 of the
4 Santa Clara Valley Water District Act (Chapter 1405 of the Statutes
5 of 1951, as amended by Chapter 906 of the Statutes of 1993).

6 SEC. 5. Section 7.3 of the Santa Clara Valley Water District
7 Act (Chapter 1405 of the Statutes of 1951), as added by Section
8 6 of Chapter 279 of the Statutes of 2006, is repealed.

9 ~~Sec. 7.3. Any vacancy in the office of a director shall be filled~~
10 ~~pursuant to Section 1780 of the Government Code.~~

11 ~~(b) This section shall become operative on January 1, 2010.~~

12 SEC. 6. Section 7.3 is added to the Santa Clara Valley Water
13 District Act (Chapter 1405 of the Statutes of 1951), to read:

14 Sec. 7.3. Directors described in subdivision (b) of Section 7.1
15 from the first and fourth supervisory districts who are elected in
16 2006 shall serve until noon on January 3, 2011.

17 SEC. 7. Section 7.4 is added to the Santa Clara Valley Water
18 District Act (Chapter 1405 of the Statutes of 1951), to read:

19 Sec. 7.4. Directors described in subdivision (b) of Section 7.1
20 from the second, third, and fifth supervisory districts who are
21 elected in 2008 shall serve until noon on January 7, 2013.

22 SEC. 8. Section 7.5 is added to the Santa Clara Valley Water
23 District Act (Chapter 1405 of the Statutes of 1951), to read:

24 Sec. 7.5. Directors described in subdivision (a) of Section 7.1
25 shall serve until noon on January 3, 2011.

26 SEC. 9. Section 7.6 is added to the Santa Clara Valley Water
27 District Act (Chapter 1405 of the Statutes of 1951), to read:

28 Sec. 7.6. Notwithstanding any other provision of law,
29 commencing at noon on January 3, 2011, the number of elected
30 directors on the board shall be increased from five to seven and
31 the number of appointed directors shall be reduced from two to
32 zero.

33 SEC. 10. Section 7.7 is added to the Santa Clara Valley Water
34 District Act (Chapter 1405 of the Statutes of 1951), to read:

35 Sec. 7.7. (a) On or before June 30, 2010, the board shall adopt
36 a resolution that divides the district into seven electoral districts
37 and that assigns a number to each district.

38 (b) Using the most recent census data as a basis, the electoral
39 districts shall be as nearly equal in population as possible.

1 (c) In establishing the boundaries of the electoral districts, the
2 board may give consideration to the topography, geography,
3 cohesiveness, contiguity, integrity, compactness of territory, and
4 the community of interests of the electoral districts.

5 SEC. 11. Section 7.8 is added to the Santa Clara Valley Water
6 District Act (Chapter 1405 of the Statutes of 1951), to read:

7 Sec. 7.8. (a) The first elections for the first, fourth, sixth, and
8 seventh electoral districts established pursuant to Section 7.7 shall
9 be conducted at the November 2, 2010, statewide general election.
10 The first elections for the second, third, and fifth electoral districts
11 established pursuant to Section 7.7 shall be conducted at the
12 November 6, 2012, statewide general election.

13 (b) Except as otherwise provided by this act, the term of office
14 for each director elected pursuant to subdivision (a) shall be four
15 years beginning on the first Monday in January following his or
16 her election and the director shall hold office until his or her
17 successor qualifies and takes office.

18 (c) Elections for the electoral districts established pursuant to
19 Section 7.7 shall be conducted in accordance with the Uniform
20 District Election Law (Part 4 (commencing with Section 10500)
21 of Division 10 of the Elections Code).

22 (d) (1) One director shall be elected in accordance with this
23 section by the voters of each electoral district.

24 (2) A candidate for the board of directors shall be a resident in
25 the electoral district for which he or she is a candidate.

26 (3) A director shall continue to reside within the electoral district
27 during his or her term of office, except that no change in boundaries
28 of an electoral district shall affect the term of office of any
29 incumbent director.

30 (e) The directors elected pursuant to this section are to exercise
31 their independent judgment on behalf of the interests of the entire
32 district, including the residents, property owners, and the public
33 as a whole in furthering the purposes and intent of this act.

34 SEC. 12. Section 7.9 is added to the Santa Clara Valley Water
35 District Act (Chapter 1405 of the Statutes of 1951), to read:

36 Sec. 7.9. A vacancy in the office of any director shall be filled
37 pursuant to Section 1780 of the Government Code. Any director
38 appointed to fill a vacancy in either of the offices described in
39 subdivision (a) of Section 7.1 shall represent the district at large

1 and shall be a qualified elector residing in the County of Santa
2 Cruz.

3 SEC. 13. Section 7.10 is added to the Santa Clara Valley Water
4 District Act (Chapter 1405 of the Statutes of 1951), to read:

5 Sec. 7.10. Any elected director may be recalled by the voters
6 pursuant to Chapter 1 (commencing with Section 11000) of
7 Division 11 of the Elections Code.

8 SEC. 14. Section 7.11 is added to the Santa Clara Valley Water
9 District Act (Chapter 1405 of the Statutes of 1951), to read:

10 Sec. 7.11. The board shall review the boundaries of the seven
11 electoral districts established pursuant to Section 7.7 before
12 November 1 of the year following the year in which each decennial
13 census is taken. The boundaries shall be adjusted if needed in
14 accordance with Section 22000 of the Elections Code so that each
15 electoral district is as nearly equal in population to the others as
16 possible. In making the adjustments, the board may give
17 consideration to the factors described in subdivision (c) of Section
18 7.7.

19 SEC. 15. Section 8 is added to the Santa Clara Valley Water
20 District Act (Chapter 1405 of the Statutes of 1951), to read:

21 Sec. 8. (a) While serving as a member of the board of directors,
22 and for one year immediately following the end of the director's
23 term of office, no director shall seek or accept compensated
24 employment with the district.

25 (b) The board, by ordinance, shall adopt regulations governing
26 the activities of persons who lobby the district. Those regulations
27 shall include provisions requiring registration of lobbyists,
28 reporting requirements governing the activities of lobbyists and
29 communications with board members, and disclosure by directors
30 of contact with lobbyists prior to voting on matters related to the
31 contact. This ordinance shall be adopted no later than July 1, 2010.

32 (c) (1) No director shall contact staff on behalf of a party who
33 is bidding or intends to bid on a district contract or who has or
34 intends to submit a response to a request for proposals or request
35 for qualifications, nor shall a director inquire about the identity of
36 bidders or proposers prior to the time that staff has made a
37 recommendation for selection of a contractor, vendor, or consultant.

38 (2) Paragraph (1) does not prohibit a director from making
39 general inquiries about the status of a particular procurement, or
40 from providing a member of the public with information about the

1 appropriate staff contact concerning procurement of goods and
2 services by the district.

3 (d) The board may not authorize severance pay for a
4 board-appointed employee of the district when the employee
5 voluntarily separates from district employment. "Severance pay"
6 does not include any otherwise lawful payment required to be paid
7 by the district under a preexisting employment agreement or under
8 a separation and release agreement resolving a claim or claims
9 made or threatened to be made against the district. The board shall
10 not agree to amend an employment contract after the employee
11 announces or requests a voluntary separation, except upon a board
12 determination, in open session, that an adjustment in compensation
13 is required to retain the employee and is in the best interest of the
14 district.

15 (e) Minutes of meetings of the board of directors shall include
16 a report of the actions taken in closed session at that meeting in
17 accordance with Section 54957.1 of the Government Code.

18 (f) (1) Subject to paragraph (2), reports prepared by district
19 staff for the board that recommend action on any item to be
20 considered at a regular public meeting of the board, or at a public
21 hearing conducted by the board, shall be made available to the
22 public no later than 10 days prior to the date of that meeting or
23 hearing.

24 (2) The following reports that are otherwise described in
25 paragraph (1) shall be made available as soon as the report is
26 completed:

27 (A) Reports relating to a contract award, if the contract has been
28 considered at a prior board meeting.

29 (B) Reports recommending board action necessary to meet a
30 legal deadline, including a deadline for a grant funding application.

31 (C) Reports conveying a recommendation from a board
32 committee.

33 (D) Reports recommending immediate board action to address
34 urgent health, safety, or financial matters identified in the report.

35 (E) Supplemental reports conveying additional information
36 received after the initial report was released.

37 (3) If a recommendation in a staff report is revised based upon
38 direction from a member of the board, the revision shall be
39 disclosed in the applicable report.

(g) On a quarterly basis, a report of the travel reimbursements to each director shall be placed on an open session board meeting agenda for review and a determination by the board whether the travel reimbursements comply with the board's reimbursement policies adopted pursuant to Section 53232.3 of the Government Code. Only travel expenses in compliance with those policies may be reimbursed by the district.

SEC. 16. Section 13.2 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as added by Section 1 of Chapter 63 of the Statutes of 2001, is amended to read:

Sec. 13.2. For the purposes of levying special taxes pursuant to paragraph (2) of Section 13, the district may impose special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code at minimum uniform rates ~~per~~ *according to* land use category and size. The district may provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age, *or who qualify as totally disabled under the Social Security Act*, if the total household income is less than an amount that is approved by the voters of the district.

SEC. 17. Section 20 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), as amended by Section 9 of Chapter 279 of the Statutes of 2006, is amended to read:

Sec. 20. (a) On or before June 15 of each year, the board shall meet, at the time and place designated by published notice, at which meeting any member of the general public may appear and be heard regarding any item in the proposed budget or for the inclusion of additional items.

(b) At the same time and place designated in the public notice, the board shall review its financial reserves, including the justification therefor, and shall present an overview of its reserve management policy. The board shall provide an opportunity for the public to make comments on the budget before acting on the budget.

~~(b)~~

(c) After the conclusion of the meeting, and not later than June 30 of each year, and after making any revisions of, deductions from, or increases or additions to, the proposed budget that the

1 board determines advisable during or after the meeting, the board,
2 by resolution, shall adopt the budget as finally determined.

3 SEC. 18. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district are the result of a program for which legislative authority
7 was requested by that local agency or school district, within the
8 meaning of Section 17556 of the Government Code and Section
9 6 of Article XIII B of the California Constitution.

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